

**A REGULAR MEETING OF THE TOWN OF TELLURIDE
PLANNING AND ZONING COMMISSION CHAIRPERSON**

June 26, 2015 Friday 10:15 AM

**REBEKAH HALL, TELLURIDE, CO
113 WEST COLUMBIA AVENUE**

I. CALL TO ORDER

II. ACTION ITEMS

- 1. PROJECT TITLE:** Pinion Street Replat
SUMMARY: A minor scale subdivision to combine Lots 9 & 10 and remove the interior lot line between 10 and the westerly one half of the vacated Pinion Street right of way to create one 7,500 square foot lot (10R).
LEGAL: Lots 9 and 10, Block 18, East Telluride Addition and the
The westerly one half of vacated Pinion Street between Pandora Avenue and
Columbia Avenue, East Telluride Addition
ADDRESS: 617 East Columbia
ZONE DISTRICT: Residential
OWNER: MJM Investment Trust
REPRESENTATIVE: Jim Mahoney, Esq.
STAFF: Michelle Haynes, Building and Planning Director

- 2. PROJECT TITLE:** 547 West Pacific Replat
SUMMARY: A minor scale subdivision to vacate interior lot lines to accommodate existing structures crossing the interior lot lines, thereby combining two conforming lots and one nonconforming lot to create one 6,223 square foot lot (Lot 14R).
LEGAL: A portion of Lots 12 and 13, Lot 14, and the East 5 Feet of Lot 15, Block 8,
West Telluride Addition; Unit A, Unit B, Unit C, The 547 West Pacific Condominium.
ADDRESS: 547 West Pacific Avenue
ZONE DISTRICT: Accommodations One (AC I)
OWNERS: MoMas Investments, LLC; The Lady Doctor Real Estate Company, LLC;
Helen Gilman Coulter
REPRESENTATIVE: Thomas G. Kennedy, The Law Offices of Thomas G. Kennedy
STAFF: Ann Morgenthaler, Planner II

III. ADJOURN

For more complete information on these applications or projects, please contact Town of Telluride Planning Department at (970) 728-2170. More complete Information is on file and available at Rebekah Hall, 113 W. Columbia, (970)728-2170. If you would like to comment on the proposed development, please forward your comment letter to "Attention: Historic and Architectural Review Commission" by mail to P.O. Box 397, Telluride, CO 81435, by fax to (970)728-3078, by email to Ann Morgenthaler, Planner II, at amorgenthaler@telluride-co.gov, or by person to Rebekah Hall at the address listed above. **Written comments must be received by the Town by 10 am on the Friday prior to the hearing for inclusion in the packet. After the deadline, comments will be distributed at the time of hearing.**

NOTE: In the interest of managing the agenda and time, the Chair may request public comment to be kept to 5 minutes a person



TO: Planning and Zoning Commission Chairperson (P&Z)
FROM: Michelle Haynes, Building and Planning Director
DATE: June 20, 2015
FOR: June 26, 2015 Planning and Zoning Commission Chairperson Meeting
RE: Pinion Street Minor Scale Replat

PROJECT TITLE: Pinion Street Replat

SUMMARY: A minor scale subdivision to combine Lots 9 & 10 and remove the interior lot line between 10 and the westerly one half (25 feet) of the vacated Pinion Street right of way to create one 7,500 square foot lot (10R).

LEGAL: Lots 9 and 10, Block 18, East Telluride Addition and the
The westerly one half of vacated Pinion Street between Pandora Avenue and
Columbia Avenue, East Telluride Addition

ADDRESS: 617 East Columbia

ZONE DISTRICT: Residential

OWNER: MJM Investment Trust

REPRESENTATIVE: Jim Mahoney, Esq.

PREVIOUS ACTIONS:

- **December 11, 2012** Town Council Worksession regarding purchase of the west 25' portion of the Pinion Street right of way.
- **February 19, 2013** Town Council Worksession to discuss purchase and vacation of the west 25' of the Pinion Street right of way.
- **November 20, 2013** MJM Investment Trust with Town Council approval, purchased the Pinion right of way (a 25 feet x 100 feet right of way parcel) from the Town of Telluride with a condition that the town retain a 10 foot x 100 foot easement area for drainage and utilities along the eastern portion of the vacated right of way.
- **June 25, 2014 HARC** Worksession to propose two single family homes and demolition of a non-designated triplex structure
- **January 27, 2015** Town Council Worksession Regarding relocation of the Town easement.
- **March 19, 2015** HARC Recommendation and P & Z Continuation of a Small Scale Replat - *withdrawn*

LAND USE:

- **EXISTING USE:** vacant
- **ZONE DISTRICT:** Residential
- **FLOOD HAZARD AREA:** not within the flood hazard area
- **GEOLOGIC HAZARD AREA:** Northern portion of lots contain Generalized Slopes over 50% and Potentially Unstable Slopes Under 50%. The property is also within the Rockfall Hazard Zone B (moderate)
- **GROUNDWATER DEPTH ZONE:** Zone 3 (depth of >20')

- **WETLANDS AREA:** Site is not in a designated wetlands area

ARCHITECTURAL/HISTORIC:

- **TREATMENT AREA:** East and West Telluride Residential Treatment Area (EWT)
- **TELLURIDE HISTORIC LANDMARK DISTRICT:** Outside the district
- **HISTORIC RATING:** none

RATED STRUCTURES IN THE IMMEDIATE VICINITY: none

EXISTING STRUCTURES: none

ATTACHMENTS:

- a) Applicant's Narrative dated 6/16/2015
- b) Applicant's subdivision exhibits (8 pages)
- c) Ordinance #1395
- d) Additional Provisions of Sale between the Town and Owner
- e) Proposed preliminary plat dated 6/8/2015
- f) Existing Conditions dated 8/2/2012

BACKGROUND:

MJM Investment Trust (Applicant) purchased Lots 9 & 10 (known as 617 E. Columbia Avenue) in 2012. The eastern 25 feet of the Pinion Street right of way (ROW) had been vacated to the Pinion Triplex development some years ago. The Applicant negotiated with the Town of Telluride for approximately a year, after such period the applicant purchased the remaining eastern 25 feet of the Pinion Street right of way for \$425,000 with conditions and terms of sale. This sale was premised on the understanding that the Town did not envision development of the right of way into a street due to the limited remaining width of the right of way and the steepness of the slope. An additional finding included that that vacation of the right of way would not deny access to any property owner affected by the vacation.

The applicant seeks a minor scale subdivision approval to combine lots 9 & 10 which have been addressed as 617 E. Columbia and the vacated western 25' of the Pinion Street right of way.

TERMS OF SALE

The negotiated terms with the Town of Telluride are found in exhibits c & d and include the following conditions:

- 1) A ten foot by 100 foot easement would be retained by the Town on the eastern portion of the vacated right of way for Town drainage and utility needs. The land area of the vacated portion of the right of way could be utilized for the purposes of development calculations, but the easement area would remain unencumbered by structures by the Applicant.
- 2) The Applicant agrees to not sell Lot 9 for a period of 10 years, unless Lot 9 is replatted to combine with lot 10 or sold together with Lot 10.

As noted on page 2 of the Applicant's narrative, the legal status of a vacated right of way is not a freestanding lot but incorporated into the adjacent property, Lot 10, by operation of law. This application is finalizing some of the terms of the sale by memorializing the Town easement on the plat, incorporating the vacated right of way into Lot 10, and combining Lot 9 with Lot 10 as envisioned between the Applicant and the Town, by the required Town process of a minor subdivision application.

Minimum Application Content

The applicant provided the minimum application content required by section 5-202.C.

Review and Referral

- No comments from Public Works. Ongoing discussions regarding the drainage and utility easement and its final placement is occurring with Public Works. Any relocation of the existing easement requires Town Council review and approval.

Public Notice

This item was properly noticed per LUC section 5-204.B.1. The Affidavit of posting is on file with the Planning Department.

CRITERIA FOR DECISION:

The provisions of the LUC require the application of subdivision review criteria consistent with Section 6-401 Purpose, and the following subdivision criteria at LUC Section 6-408.

Staff will draw attention to those items that warrant analysis and discussion relative to the criteria for decision listed above. Staff comments are in bold and italic.

SUBDIVISION PURPOSE 6-401

6-401.C. Unsuitable Lands. Providing for drainage facilities and the restriction of development of land subject to flood, poor soils, and poorly suited for building because of danger from landslides, avalanches, mudflows or other geological hazards;

Preserving drainage and utility corridors in this area is important to the Town in order to anticipate future needs in the general area. With the sale of the 25 feet x 100 feet western portion of the Pinion right of way, a 10 foot utility and drainage easement was preserved for the benefit of the Town of Telluride.

Applications for development of properties within the mapped geohazard areas of Town are required to provide the Town with a geotechnical report and are required to construct in accordance with the mitigation measures as outlined by the geotechnical engineer. This requirement is tracked from HARC development review through Certificate of Occupancy pursuant to Article 8 in the LUC, Matters of Local and State Interest. There is a small northern portion of property found within the mapped geohazard condition of steep slopes, and the property is found within the moderate Rockfall area Zone B.

6-401.D. Development Pattern.

The Applicants note that within a one block radius there are similar or larger lot sizes, and a list of lot size compatibility is found on page 4, under section E. Compatibility, in the Applicant's narrative. The lot orientation is the same as adjacent and surrounding properties. The lot size is similar to the development pattern of the neighborhood. This property is found outside of the Telluride Historic Landmark District, within the Residential Zone District and within the East West Telluride Treatment Area.

Section 6-408 SUBDIVISION DESIGN CRITERIA

6-408.B.1 The lots as proposed meet the minimum size, setback and frontage requirements. There is no maximum lot size within this Zone District.

6-408.B.2 The lots are laid out respecting existing Town patterns.

The subdivision is consistent with the typical pattern found within the block consisting of lots with a north south orientation fronting on Columbia for both vehicular access, through the front yard, and building orientation.

6-408.B.3 Building lots shall be built with adequate space for off-street parking and shall have safe access to public streets. Driveways shall not exceed a 10% grade. The preferred intersection angle is 90%; minimum intersection angle is 45%.

Access will be demonstrated with a HARC development application. The traditional frontage is from Columbia Avenue.

6-408.B.6 Lots with Double Frontage shall be avoided, except where necessary to provide separation from incompatible land uses or because of the slope of the lot.

The blocks between Pandora and Columbia are technically blocks that have double frontage. The term double frontage is a common planning term that also means a "through lot." The purpose of this regulation is to discourage a lot that "fronts" on more than one street, to discourage access "through" the lot which causes more than one curb cut, disrupts typical lot access, and is intended to reduce subdivision approvals that would otherwise confuse development as to which "frontage" constitutes the front of the structure. The development pattern in this area is already established as to Columbia serving as the front or "front yard" for building orientation and access. Due to the steepness of the lot there is no ability for vehicular through access from Pandora to Columbia. Frontage and orientation have already been established from Columbia Avenue by adjacent lot development and pursuant to the Design Guidelines.

The proposed access for this parcel is consistent with the Design Guidelines for Building in Telluride. Access must be demonstrated and applied for concurrent with a HARC development application.

STAFF ANALYSIS:

The lot sizes are within range of those found in the surrounding neighborhood showing consistency with the development pattern in site orientation and size. 1,000 square feet of this property is unusable for the purposes of development due to the Town easement encumbrance. The slope of this parcel will require specific engineering and unique site development considerations as anticipated by the EWT Treatment Area Standards as found in the Design Guidelines.

P & Z Chair Proposed Motion:

I move to approve a minor scale subdivision of Lots 9 and 10, Block 18 and the vacated western 25 feet of the Pinion Street right of way, within the East Telluride Addition, pursuant to Article 6, Division 4, known as the Pinion Street Replat with a resulting lot size of 7500 square feet known as lot 10R, with the following findings and conditions set forth in the staff report of record dated June 20, 2015:

Findings:

1. The proposed subdivision is in compliance with the applicable requirements of the Telluride Land Use Code, Subdivision Standards, Master Plan and Streetscape Standards.

Conditions:

1. *Revise the final replat in accordance with redline revisions provided by staff consistent with the LUC section 6-407.*
2. *Per LUC 6-404.H., "Approval of the preliminary plat shall constitute authorization for the applicant to prepare and submit a proposed final plat in accord with the representations made by the applicant and conditions applied to the proposed subdivision. Preliminary Plat approval shall be effective for a maximum period of twelve (12) months, unless, upon application, P & Z grants an extension of time. A preliminary plat approval shall not constitute a site specific development plan for purposes of vesting a property right."*

This motion is based on evidence and testimony provided at a public hearing held on June 26, 2015, with notice of such hearing provided as required by the Telluride Land Use Code.

CHAIR ADDITIONAL CONSIDERATION AND ALTERNATIVE MOTION

Pursuant to LUC Section 5-205.B.1, Referral, the P & Z Chairperson may refer an application to the full P & Z Commission, which the Chair is otherwise authorized to review and approve, "should the action or approval be deemed to be of elevated interest to either the reviewing body or the affected neighborhood."

P & Z Chair Alternative Motion:

I move to refer the minor subdivision application from MJM Investment Trust for Lots 9 and 10, Block 18 and the westerly one half of vacated Pinion Street between Pandora Avenue and Columbia Avenue, East Telluride Addition to the Planning and Zoning Commission at their next regular meeting on July 23, 2015 with the finding of [insert finding here].

/mbh

**MJM INVESTMENT TRUST – PINION STREET REPLAT
SMALL SCALE SUBDIVISION NARRATIVE**

TO: Telluride Planning and Zoning Commission
FROM: MJM Investment Trust – James Mahoney, Esq. as attorney for MJM
DATE: June 16th, 2015
RE: MJM Investment Trust (“MJM”) – 617 East Columbia Avenue
Subdivision

MJM is requesting that a lot line be vacated for the following reasons:

1. Town Council agreed to the sale of a portion of Pinion Street in 2012 for \$425,000. In this negotiated process the Town Council knew and accepted the intent of the applicant to combine Lots 9 and 10, along with the incremental increase of the land area from ½ of Pinion Street.
2. The Town has benefited greatly monetarily through the sale of the portion of Pinion Street for above market and appraised value.
3. Site constraints, including existing easements, make these lots extremely difficult to build upon as individual lots.
4. The re-platted lot will be consistent with lots in the surrounding area.
5. Significant trees will be protected by the re-plat.
6. The re-plat will allow for an easement relocation to occur that will be extremely beneficial to the Town.
7. MJM is seeking no variances, no increase in density or special requests and is conforming to the minimum lot sizes.

A. Existing Status of Project:

This currently platted project area consists of the following lots: (a) Lot 9, Block 18, East Telluride Addition (“Lot 9”); (b) Lot 10, Block 18, East Telluride Addition which includes the western ½ of vacated Pinion Street Right of Way between Columbia Avenue and Pandora Avenue (the “Vacated Right of Way”) (collectively “Lot 10”) (collectively the “Property”). Lot 9 is 2,500 square feet. Lot 10 including the Vacated Right of Way is 5,000 square feet for a total of 7,500 square feet for the Property. Lots 9 and 10 are currently vacant lots. There is also a 10 foot utility easement burdening Lot 10 that benefits the Town.

MJM originally purchased Lots 9 and 10 in the summer of 2012 and began to plan to build a single family home on these properties. In reviewing the options, it became apparent that given the site constraints, additional land area would be desirable for access, to prevent massive excavation and to limit the impact on neighboring properties. Seeing that the eastern ½ of Pinion Street was previously vacated and that the remainder of Pinion Street was inadequate for a road usage and could only be used for utilities and drainage, MJM approached the Town about acquiring the western ½ of the Pinion Street right of way. MJM negotiated with the Town and acquired the western ½ of the Pinion Street right of way in order to add land area to Lots 9 and 10 and granted back an easement to the Town for utility and drainage (described below).

Through negotiations, an independent appraiser valued the Vacated Right of Way at \$320,000, however, with the Town's requirement that the Town retain a 10' easement (1000 sq ft easement of the 2500 sq ft total) for utilities and drainage, this Vacated Right of Way had no other potential for stand-alone development and; therefore, no other potential buyers other than the owner of Lot 10. After an extended negotiation, MJM purchased the Vacated Right of Way from the Town for \$425,000 and the Town retained a 10' utility and drainage easement. ***This sale provide a great benefit to the Town as it received \$425,000 and retained access to the property for utility and drainage requirements.***

The legal status of the Vacated Right of Way is very simple, but important to understand in relation to this application. It is not its own free standing lot. Rather, it is incorporated into Lot 10 by operation of law. Pursuant to C.R.S. 42-2-302, title to a vacated roadway shall vest in the owners of the abutting land. Furthermore, the ordinance that vacated the roadway stated the following: "The vacated right of way shall thereafter be deemed additional land area for the purpose of development of Lot 10, Block 18, East Telluride Addition, Town of Telluride, County of San Miguel, Colorado subject to the terms and conditions set forth in the Easement Deed." A copy of that Ordinance is included in the application materials.

When MJM originally purchased the Vacated Right of Way from the Town of Telluride in the fall of 2013, there were extensive public meetings, including a positive recommendation from P&Z, and with the Town Council in very involved negotiations. MJM was very clear about its ultimate desire to construct a single family home on the overall Property while not intruding on the neighbor's property. During these negotiations, the Town Council was receptive to these plans and ultimately was more concerned with Lot 9 being sold off independently from Lot 10. ***In fact, during the negotiations, the Town requested, and MJM agreed to, a provision which precluded MJM from selling Lot 9 independently from Lot 10 or without platting Lot 9 and Lot 10 as one lot.*** These contractual provisions are included in the application materials. In other words, it was acceptable to join the lots and sell the combined units as a larger parcel.

B. Utility Easement Status:

There is a 10 feet by 100 feet underground utility and drainage easement traversing the Property on the easternmost 10 feet of Lot 10 which benefits the Town (the "Utility Easement").

MJM met with Town Council this past March and proposed relocating the Utility Easement by creating two separate 10' drainage and 10' utility easements that are located in more practical locations. The existing easement could be greatly improved due to natural topography constraints and the difficulty to access the easement for any improvements. The purpose of relocating the easement was to place the drainage easement on Lot 9 which is where drainage naturally occurs. The utility easement would be located on a vacant lot to the east of the site that would provide practical access for

Public Works to improve utilities in the future. As currently configured the Utility Easement would be difficult if not impossible to accommodate all the future utility and drainage needs of the Town. It is only a 10 foot wide strip on an extremely steep slope so installation of utilities would not be practical. ***MJM is offering to 1) increase the area designated as Town easements from 1000 sq ft to 2000 sq ft (this larger area represents 80% of the total land area of the Vacated Right of Way originally purchased by MJM for \$425,000), 2) provide a more practical solution for Town drainage requirements and for easier utility easement access and 3) pay a reasonable amount of the cost for drainage infrastructure.***

Town Council gave direction for Public Works to work out an agreement with MJM to finalize such revised easements and determine a cost sharing allocation for the necessary drainage improvements. This direction by Town Council is another indication that the relocated easements, along with combining lots 9 and 10 are a desirable outcome. Applicant has met with Public Works several times to determine a mutually beneficial agreement for drainage and utilities. Public Works supports the concept of the proposed relocation of the easements. The relocation of the easements is a phenomenal public benefit to the Town, but cannot happen if this Application is denied.

C. Allowed Uses:

The current zoning for the Property is the Residential Zone District. The allowed uses are residential uses only. The Applicant does not propose any change in zoning or allowed uses at this time.

The Residential Zone District allows for lot sizes with a minimum lot size of 2,500 square feet. There is no maximum lot size within the Residential Zone District. There are no prohibitions on combining lots. For reasons set forth below, this application complies with the criteria of the Town of Telluride Land Use Code.

D. Site Requirements:

The application meets all of the minimum lot size requirements and frontage requirements of the Residential Zone District. The lots are laid out in the same north-south patterns that exist in the surrounding neighborhood and Town patterns and have adequate space for off-street parking.

Each lot has direct frontage to Columbia Avenue and Pandora Avenue. The most likely access point is locating a garage off of Columbia Avenue. These will be determined at the time of a development application.

There are no additional streets proposed by the subdivision. Walkways and paths will be addressed at the development application as none are required in the East and West Treatment Area.

Utilities currently serve the surrounding properties are adequate to serve this project and are located in the Columbia Avenue right of way. Therefore, there are no utility concerns for the Property.

E. Site Constraints:

The Property is situated in between Columbia and Pandora Avenues and has significant elevation change (approximately 50 feet) between those two streets with a relatively limited bench on the Property. There is also elevation change from West to East on the Property. The immediate topography off of Columbia Avenue rises approximately 25 feet in elevation at a slope of over 30 degrees in several locations, making it one of the steeper lots in Telluride. The immediate topography off of Pandora Avenue also has significant elevation change dropping approximately 25 feet in elevation onto the Property.

These site constraints render the buildable area on Lot 9 very small and would make standalone development of and construction on Lot 9 impractical, prohibitively expensive and hugely impacting to the adjacent neighbors. Furthermore, access to the Property will be difficult and expensive given the significant grade changes from either Columbia or Pandora.

F. Compatibility:

The application and resulting lots are consistent with the mass and scale with the surrounding neighborhood. A review of the assessor's office data and existing plats for the lots surrounding the Property shows that the vast majority of lots near and adjacent to the Property are larger lot sizes as follows:

- i. 185 Pinion (directly to the south) is over 8,400 square feet lot size;
- ii. 125 Pinion (directly to the south) is over 8,400 square feet lot size;
- iii. 168 Hemlock (directly to south and west) is over 8,400 square feet lot size;
- iv. 721 Pinion (to the east) over 5,000 square feet lot size;
- v. 613 East Columbia (to the west) 7,500 square feet lot size;
- vi. All Pandora Avenue lots to the north are over 5,000 square feet with some lots over 7,000 square feet.

These lots are shown in a neighborhood map submitted in the Application. Clearly, this area does not follow the traditional lot size or platting arrangements, with a large percentage of the lots in the immediate vicinity over 5,000 square feet with a large group of lots larger than what is proposed by the application (4 lots catty corner which range from 8400 square feet to over 9,000 square feet). As a result, the lot size proposed is compatible with the surrounding neighborhood and preserves the residential feel and harmony of this area of Columbia Avenue.

Importantly, the East and West Treatment Area in the Telluride Design Guidelines clearly contemplates varying lots size when it discusses buildings relating to lot sizes and contemplates large primary buildings with widths of 20 to 30 feet (which could not be accommodated by a 25 foot wide lot).¹ The East and West Treatment Area also contemplates varying lot sizing and siting “opportunities” that are not seen in the older historical sections of Telluride as illustrated by the following passage: “Because natural site constraints may in some cases prevent projects from reflecting the established site plan and building forms of older residential neighborhoods, certain flexibility is built into the design standards to allow response to individual site conditions. Specifically, there exists some siting opportunities in these areas which do not exist in the older neighborhoods. Differing sizes of lots and setbacks, varying natural conditions and site features, as well as diverse view corridors, all contribute to create these unique siting opportunities.”²

The above reference of the Design Guidelines is appropriate for this Application.

G. Open Space and Tree Protection

The Applicant believes another reason to approve the Application is trees are proposed to be preserved with the relocated drainage easement. The preservation of trees is encouraged within the Telluride Design Guidelines, General Standard Policies #2 and #17.

General Standard 2. Policy states: “Because the area is rich in natural resources, any new project should respect and even enhance the setting for these features, such as waterways, wetlands, and *established groves of trees*. Roads, landscaped areas and buildings should be located and designed to accommodate any natural features of the particular site and its context. “

“GS #17.A Policy: Plant Materials, A. MAINTAIN ESTABLISHED PLANTINGS IN PLACE, WHEN FEASIBLE. 1) Existing native plantings should be preserved in place, when feasible. This particularly applies to significant trees and shrubs...”

If the application is not approved and the lot line is not vacated, all of the existing mature spruce trees would have to be removed in order for even a single residence to be constructed on Lot 9. There is a map indicating the trees that would be lost if Lot 9 must be built upon separately.

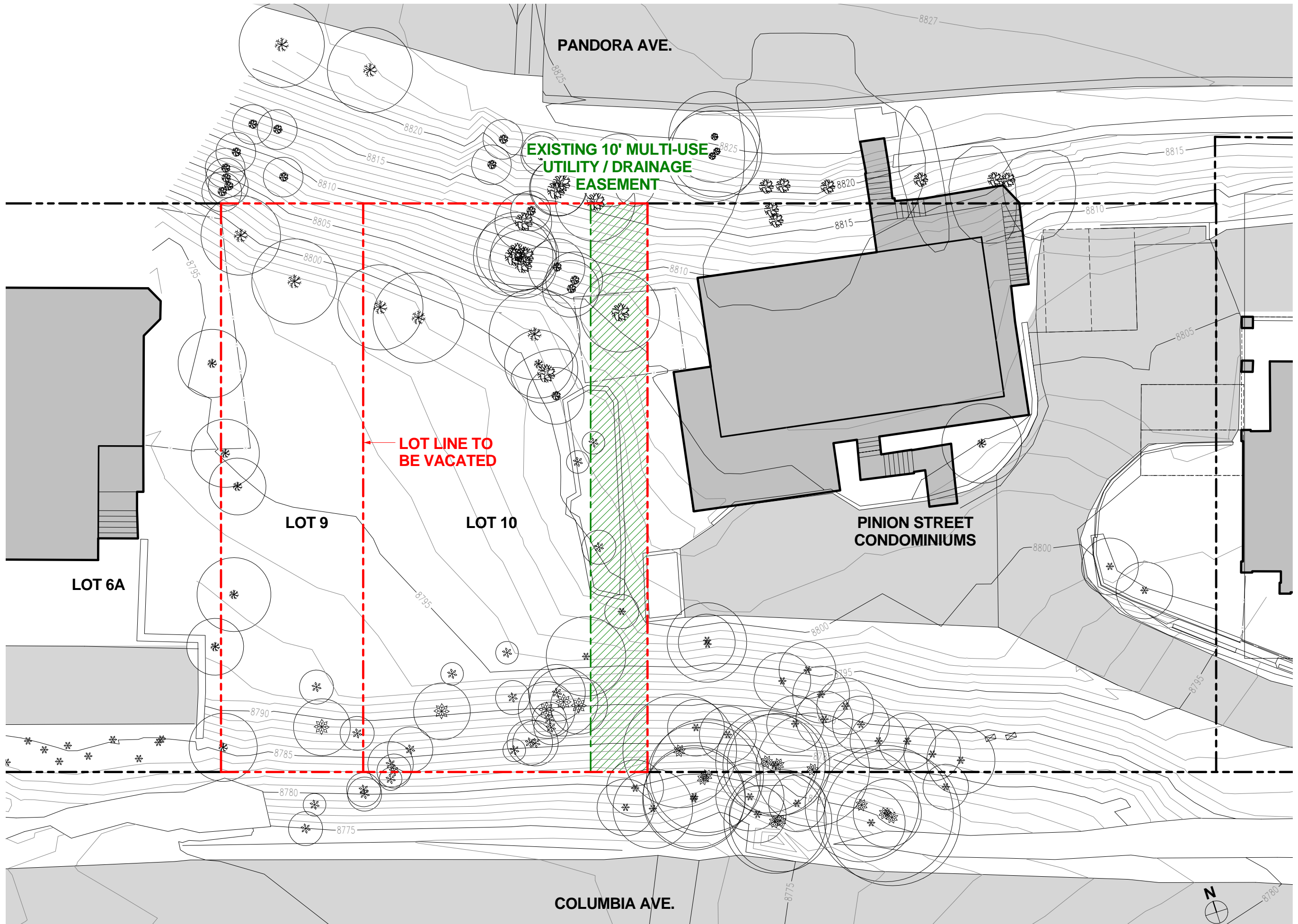
H. Conclusion:

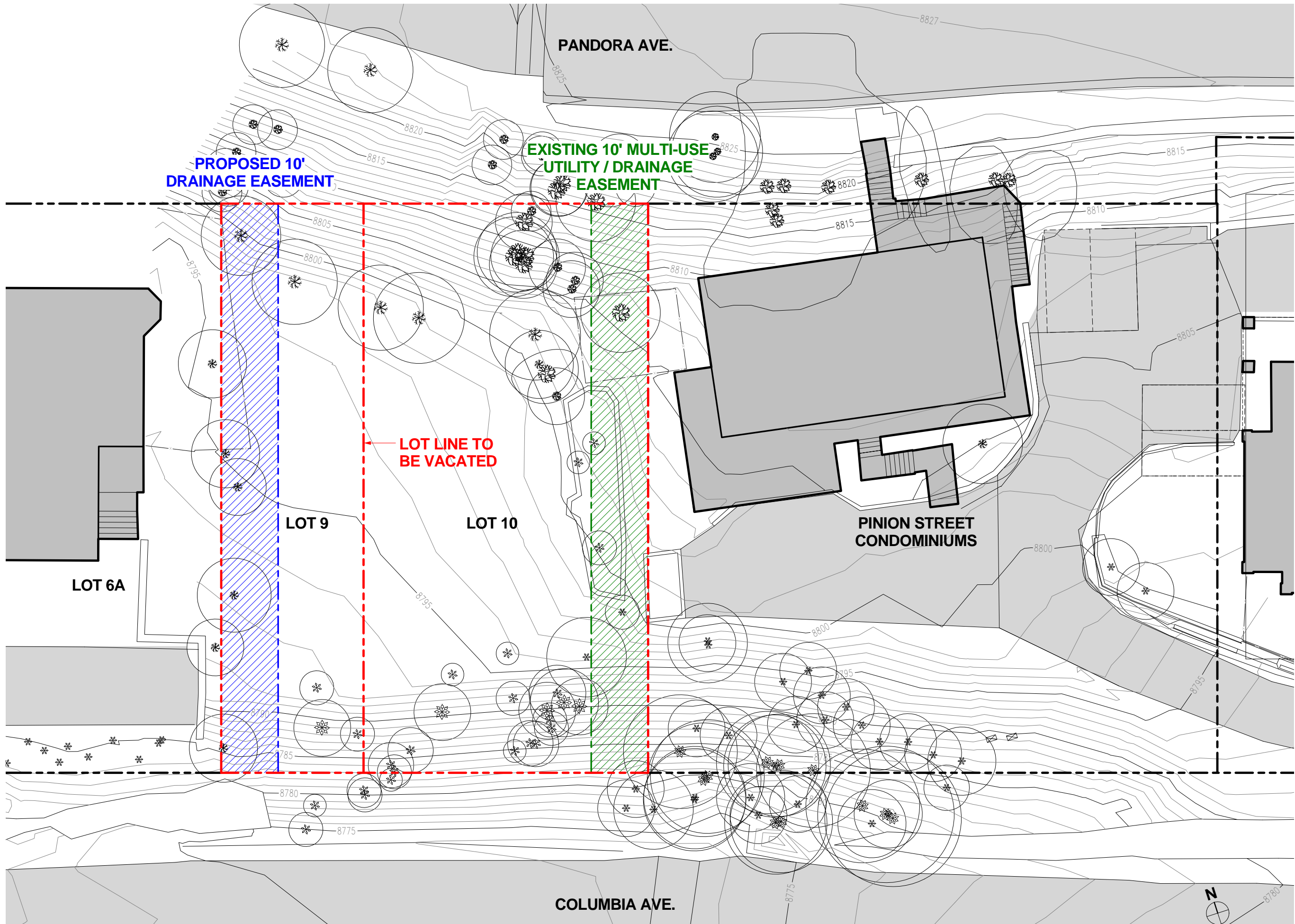
This Application is the logical conclusion to an agreement that was made with the Town in the Fall of 2013.

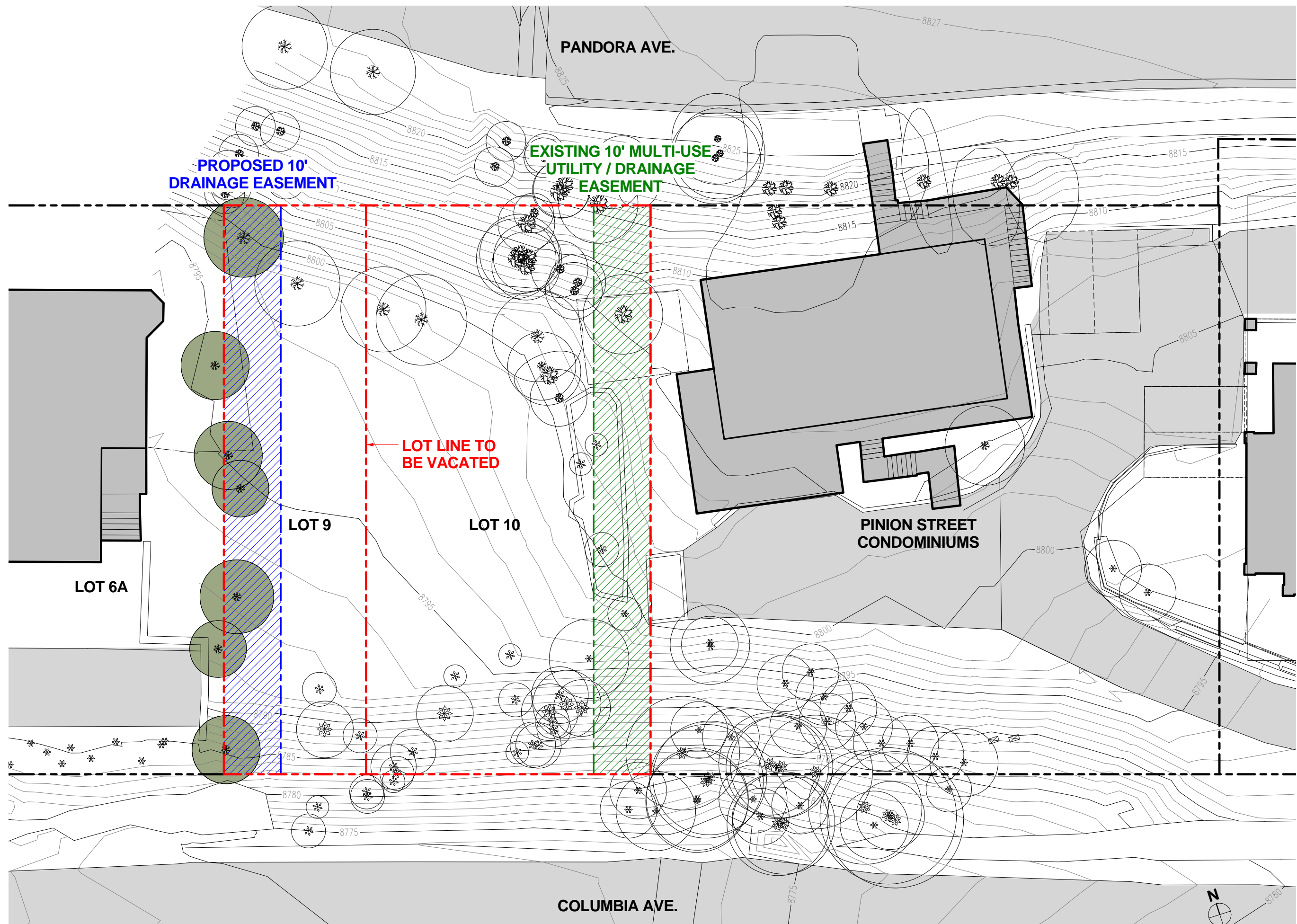
¹ Town of Telluride Design Guidelines, September 1997. Page EWT-5

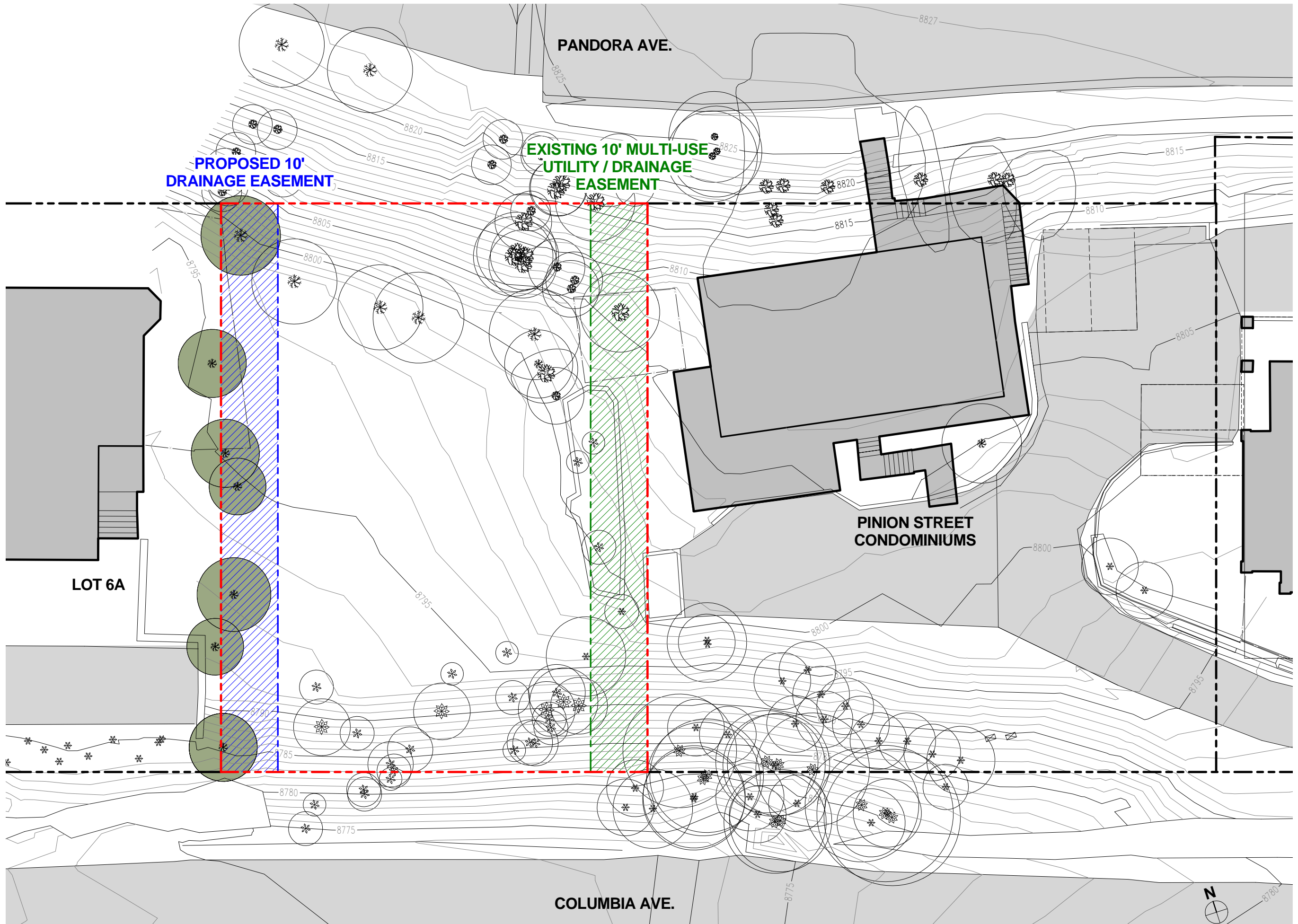
² Id at Page EWT 1

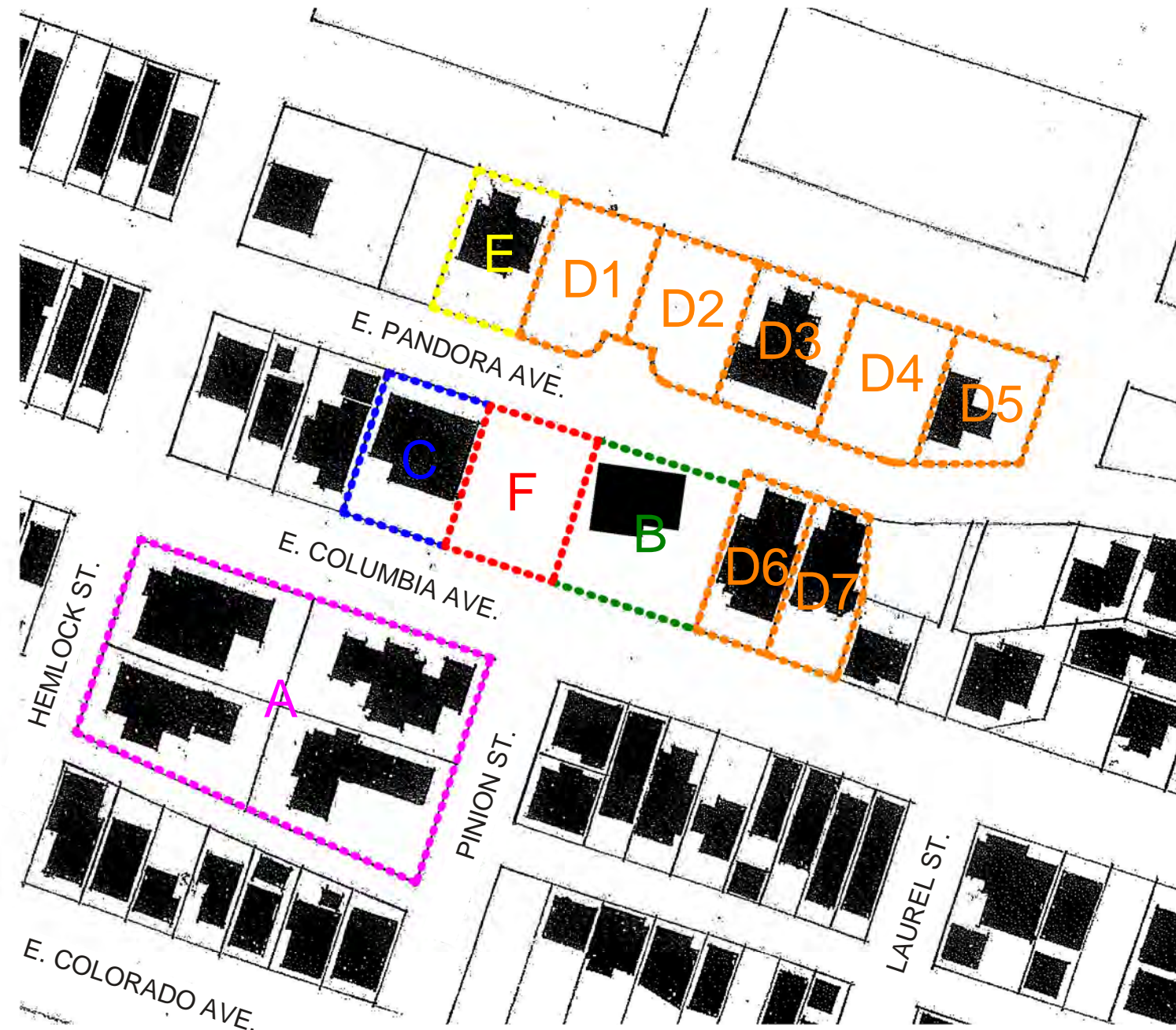
Given the initial discussions and parameters of the deal to acquire the Vacated Right of Way which clearly contemplated this combination of lots, the difficult nature of the site constraints for the Property, with the topography and the nature of the lot and house sizes of the surrounding neighborhood, MJM believes this proposal is the best use for the Property. It conforms to the surrounding neighborhood. It minimizes impacts to the Town and neighbors. It provides for the proposed and revised utility and drainage easements that significantly enhance the practical use of the existing easement located on the Vacated Right of Way. It conforms with the zone districts requirements, and protects mature spruce trees that will otherwise have to be removed. Therefore, the Applicant respectfully requests that the P&Z approve the proposed subdivision application.





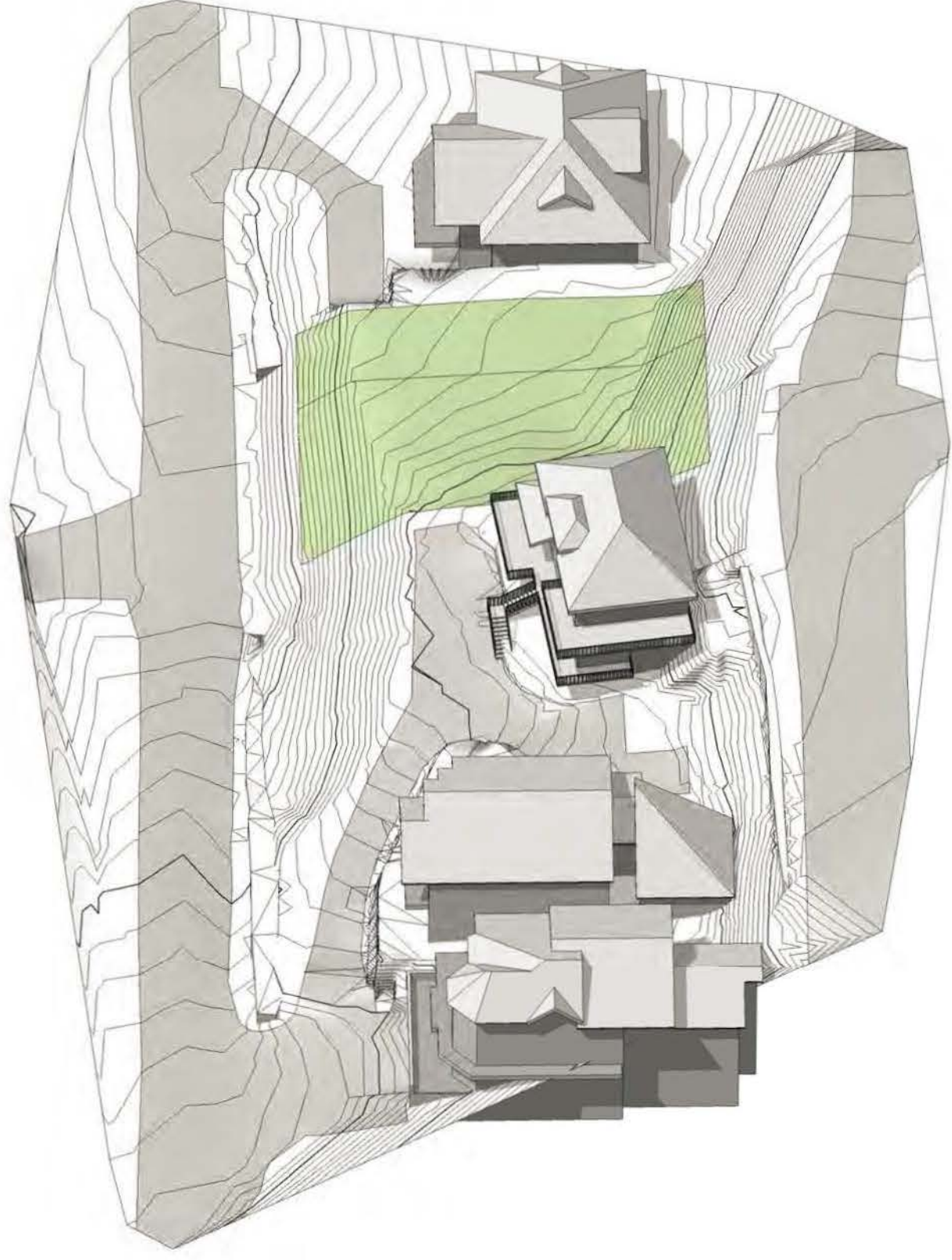


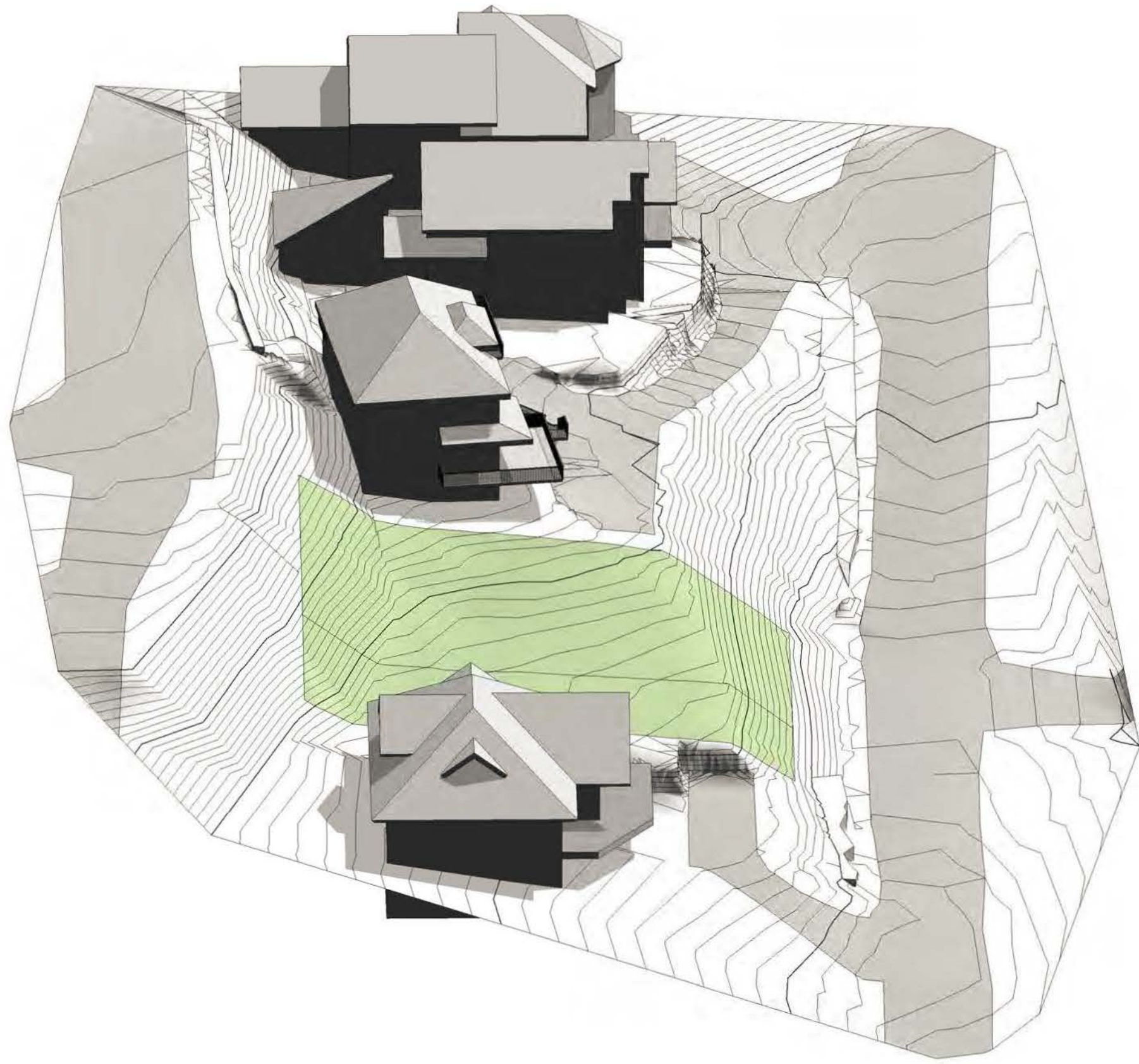




<u>SUBDIVISION OR PARCEL</u>		<u>LOT SIZE IN SQ.FT.</u>
A	CARIBOO SUBDIVISION	8,400 TO 9,890
B	PINION STREET CONDOMINIUMS (REPRESENTS 1 STRUCTURE ON 4 LOTS STRADDLING 3 INTERIOR LOT LINES FOR 10,000 SQ.FT. TOTAL)	10,000
C	613 EAST COLUMBIA	7,500
D1	EAST PANDORA SUBDIVISION	6,648
D2	EAST PANDORA SUBDIVISION	6,548
D3	EAST PANDORA SUBDIVISION	7,000
D4	EAST PANDORA SUBDIVISION	6,977
D5	EAST PANDORA SUBDIVISION	5,976
D6	EAST PANDORA SUBDIVISION	5,500
D7	EAST PANDORA SUBDIVISION	5,190
E	673 EAST PANDORA	6,250
F	PROPOSED PARCEL	7,500







ORDINANCE NO. 1395
(Series of 2013)

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO VACATING THE WESTERLY ONE HALF OF PIÑON STREET BETWEEN PANDORA AVENUE AND COLUMBIA AVENUE WITHIN THE EAST TELLURIDE ADDITION AND PROVIDING FOR THE CONVEYANCE OF THE VACATED WESTERLY ONE HALF OF PIÑON STREET.

WHEREAS, there exists the remaining west half of a platted street known as Piñon Street lying between Pandora Avenue and Columbia Avenue within the East Telluride Addition to the Town of Telluride which is a public right of way being approximately twenty five feet wide by 100 feet length; and

WHEREAS, the easterly one half of Piñon Street between Pandora Avenue and Columbia Avenue was vacated by Town of Telluride Ordinance No. 228; and

WHEREAS, the owner of Lots 9 and 10, Block 18 East Telluride Addition which is adjacent to the westerly one half of Piñon Street desires to purchase this remaining right of way ("Owner"); and

WHEREAS, the Town desires to convey the remaining west half of Piñon Street in its entirety to Owner; and

WHEREAS, Owner agrees to compensate the Town for vacating the right of way; and

WHEREAS, at its regular meeting held on the 22nd day of August, 2013, the Telluride Planning and Zoning Commission recommended Town Council approve the vacation of the remaining westerly one half of Piñon Street right of way; and

WHEREAS, the Town Council finds that the proposed vacation will not deny access to any property owners and that the remaining access is reasonable and adequate to serve the public and individuals affected by the vacation; and

WHEREAS, the Town Council further finds that the public interest is best served by vacation of Piñon Street according to the terms and conditions described below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TELLURIDE, COLORADO that:

Section 1

A. The westerly one half of Piñon Street between Pandora Avenue and Columbia Avenue as shown on the East Telluride Addition to the Town of Telluride, Colorado recorded in

Plat Book 28 Page 12, is hereby vacated subject to the easement deed recorded in the Office of the Clerk and Recorder for San Miguel County at Reception No. 430798 ("Easement Deed") granting the Town a ten foot (10') easement under and through said vacated street to install underground utilities, including, but not limited to, electrical power lines, gas and telecommunication lines, along with drainage pans and underground drainage capabilities and water service lines, but not for public pedestrian access.

B. This vacation is contingent upon receipt from Owner of Four Hundred Twenty-five Thousand and no/100ths Dollars (\$425,000.00) as compensation to the Town for the vacated land.

Section 2

The vacated right of way shall thereafter be deemed additional land area for the purpose of development of Lot 10, Block 18, East Telluride Addition, Town of Telluride, County of San Miguel, Colorado subject to the terms and conditions set forth in the Easement Deed.

Section 3

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.

Section 4

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 5

This ordinance shall become effective upon the date of publication of notice of its passage in a newspaper of general circulation within the Town of Telluride.

Section 6

Upon the effective date of this ordinance, the Town Clerk is directed, pursuant to Section 43-1-202.7, C.R.S., to record the ordinance in the Official Records of the San Miguel County Clerk and Recorder.

Section 7

A public hearing on the ordinance shall be held on the 17th day of September, 2013, in the Town Council Chambers, Rebekah Hall, 113 W. Columbia, Telluride, Colorado.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Telluride, Colorado on the 27th day of August, 2013.

TOWN OF TELLURIDE

ATTEST

By: Stuart Fraser
Stuart Fraser, Mayor

Mary Jo Schillaci
Mary Jo Schillaci, Town Clerk

APPROVED AS TO FORM

Kevin J. Geiger
Kevin J. Geiger, Town Attorney

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Telluride, Colorado this 17 day of September, 2013.

TOWN OF TELLURIDE

ATTEST

By: Stuart Fraser
Stuart Fraser, Mayor

Mary Jo Schillaci
Mary Jo Schillaci, Town Clerk

APPROVED AS TO FORM:

Kevin J. Geiger
Kevin J. Geiger, Town Attorney

STATE OF COLORADO)
)
 COUNTY OF SAN MIGUEL) ss.
)
 TOWN OF TELLURIDE)

I, Mary Jo Schillaci, the Town Clerk of the Town of Telluride, Colorado (the "Town"), do hereby certify:

- The foregoing pages are a true and correct copy of an ordinance (the "Ordinance") passed and adopted by the Town Council (the "Council") of the Town at a regular meeting of the Council held on Sept. 17, 2013.
- The Ordinance was duly moved and seconded and the Ordinance was adopted at the Town Council meeting of _____, by an affirmative vote of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Stuart Fraser, Mayor	✓			
Bob Saunders, Mayor Pro-Tem	✓			
Ann Brady	✓			
Thom Carnevale		✓		
Chris Myers	✓			
Kristen Permakoff	✓			
Brian Werner	✓			

- The Ordinance was approved and authenticated by the signature of the Mayor, sealed with the Town seal, attested by the Town Clerk and recorded in the minutes of the Council.
- There are no bylaws, rules or regulations of the Council that might prohibit the adoption of said Ordinance.
- The members of the Council were present at the meeting and voted on the passage of such Ordinance as set forth above.

(SEAL)

Mary Jo Schillaci
 Mary Jo Schillaci, Town Clerk

ADDITIONAL PROVISIONS. (continued)

(The following additional provisions have not been approved by the Colorado Real Estate Commission.)

Property: N/A Telluride, CO 81435

1) Additional Provisions (continued)

1) The parties agree that pursuant to Section 4-3-60(2) of the Town of Telluride Municipal Code this transaction is exempt from the Real Estate Transfer Tax as the Town of Telluride is the grantor.

2) The parties agree to execute an easement agreement, at closing, granting the Town of Telluride a 10 foot utility easement on the easternmost ten feet of the property.

3) MJM agrees to not sell Lot 9 for a period of 10 years, unless Lot 9 is replated to combine with Lot 10 or sold together with Lot 10. This provision shall survive closing on this real estate contract.

Date: 11-5-13

Date: _____

Stewart P. Packer
Seller Town of Telluride

Seller

Date: 11/11/2013

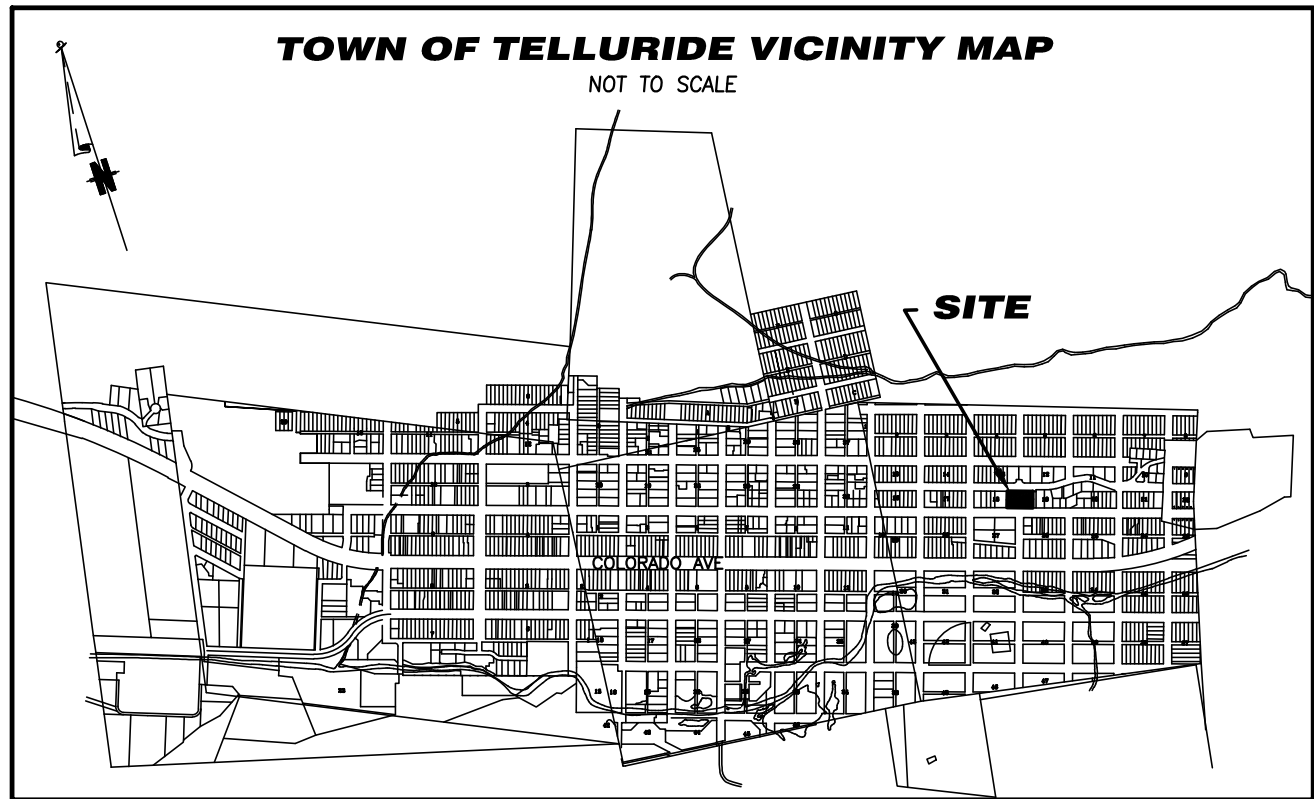
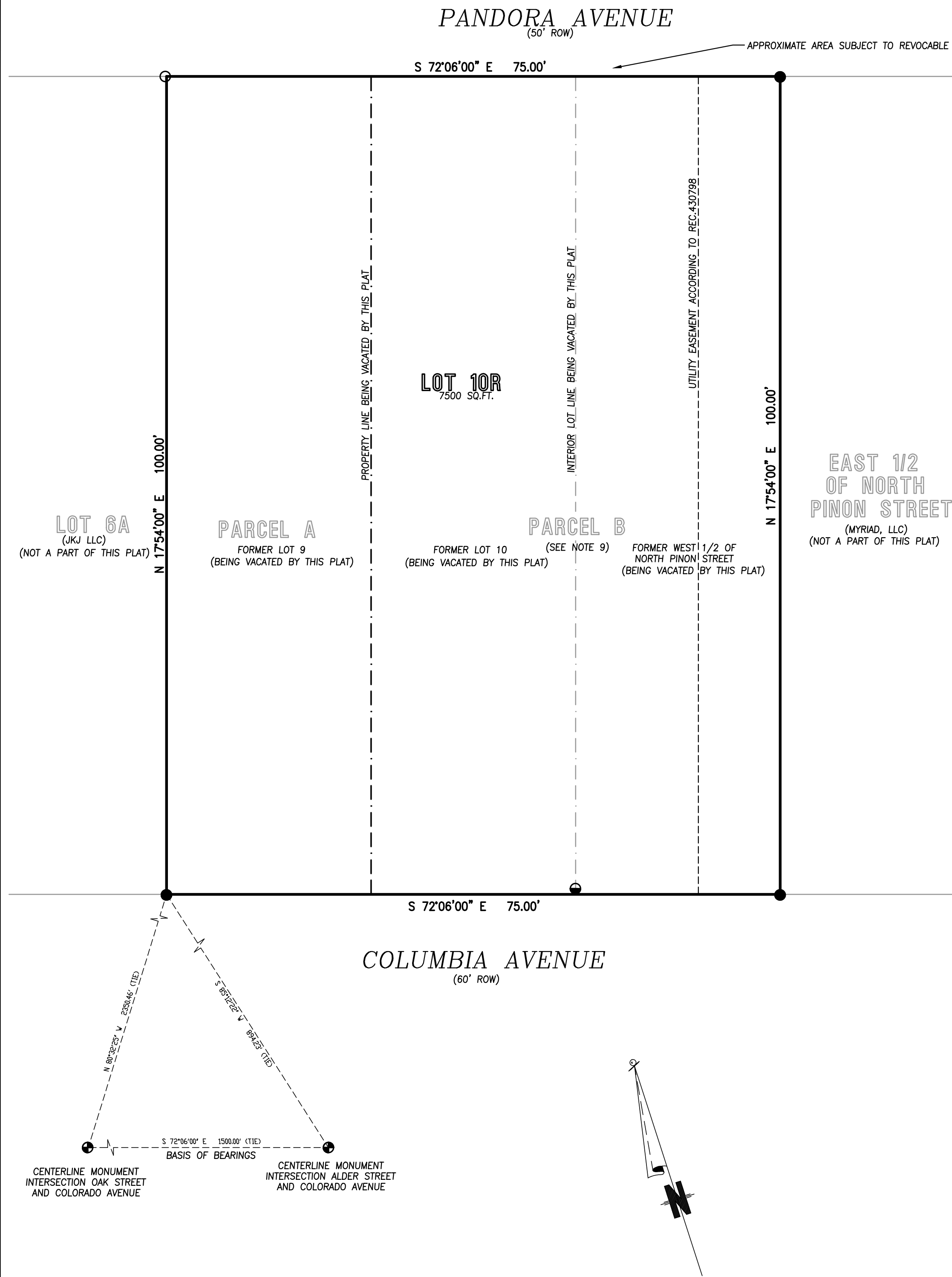
Date: _____

[Signature]
Buyer MJM Investment Trust

[Signature]
Buyer

Additional Provisions to Contract

Pinon Street Replat
A Minor Subdivision to vacate the property lines between
Lots 9-10, Block 18 and the western 25' of the vacated Pinon Street Right of Way within the
East Telluride Addition to the Town of Telluride
located within Section 31, T.43N., R.8W. and Section 1, T.42N., R.9W. N.M.P.M., San Miguel County, Colorado



LEGEND	
●	FOUND REBAR AND 1-1/2" ALUMINUM CAP, L.S. 6310
●	SET 18" #5 REBAR AND 1-1/2" ALUMINUM CAP, L.S. 37662
○	FOUND REBAR AND 1-1/2" ALUMINUM CAP, L.S. 24954

DEDICATION:

Know all persons by these presents:

THAT MJM INVESTMENT TRUST, being the owner of the land described as follows:

PARCEL A

LOTS 9, BLOCK 18, EAST TELLURIDE ADDITION TO THE TOWN OF TELLURIDE, ACCORDING TO THE PLAT RECORDED JUNE 23, 1898 IN PLAT BOOK 28 AT PAGE 13, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

AND

PARCEL B

LOTS 10, BLOCK 18, EAST TELLURIDE ADDITION TO THE TOWN OF TELLURIDE, ACCORDING TO THE PLAT RECORDED JUNE 23, 1898 IN PLAT BOOK 28 AT PAGE 13, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

THE WESTERLY ONE HALF OF VACATED PINON STREET BETWEEN PANDORA AVENUE AND COLUMBIA AVENUE, EAST TELLURIDE ADDITION TO THE TOWN OF TELLURIDE, ACCORDING TO THE PLAT RECORDED JUNE 23, 1898 IN PLAT BOOK 28 AT PAGE 13, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

containing 7500 square feet more or less

under the name PINON STREET REPLAT has laid out, platted and subdivided same as shown on the plat, and by these presents do hereby dedicate to the perpetual use of the Town of Telluride, San Miguel County, Colorado, the streets, alleys, road and other public areas as shown hereon and hereby dedicate those portions of land labeled as utility easements for the installation and maintenance of public utilities as shown hereon.

In witness hereof the said owner has caused his name to be here unto subscribed this _____ day of _____, 20____.

By:

_____ as _____ of

MJM Investment Trust

NOTARIAL

State of Colorado,)
County of San Miguel)ss

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ as _____ of

MJM Investment Trust

My commission expires _____
Witness my hand and official seal.

Notary Public

TITLE INSURANCE CERTIFICATE:

Land Title Guarantee Company, a Colorado licensed title company, does hereby certify that we have examined the title to the lands herein shown on this plat of PINON STREET REPLAT, and that the title to this land is in the name of MJM Investment Trust, and is free and clear of all liens, taxes and special assessments except as follows:

Title Insurance Company Representative

COUNTY TREASURER'S CERTIFICATE:

I certify that according to the records in the San Miguel County Treasurer's office, there are no liens against the property included in the subdivision, or any part thereof, for unpaid State, county or municipal ad valorem taxes or special assessments certified to the County Treasurer for collection.

County Treasurer

Date

NOTES:

1. Approval of this plan shall create a vested property right pursuant to Article 68 of Title 24 C.R.S., as amended, subject to the limitations of Telluride Land Use Code Section 5-208.

2. Easement research by Land Title Guarantee Company, commitment number TLR86004412, dated 01-22-2014 at 05:00PM

3. The approval of this plat is subject to all terms, conditions, obligations and restrictions set forth in the Subdivision Improvements Agreement recorded in the San Miguel County Clerk and Recorder at Reception Number _____.

4. NOTES OF CLARIFICATION

a. The Configuration of the following lots, tracts, and right-of-way have been modified by this plat: None

b. The following lots have been created by this plat: Lot 10R

c. The following lots have been deleted by this plat: Lot 9 and 10, Block 18, East Telluride Vacated westerly 25' of the Pinon Street ROW

5. SURVEY CONTROL NOTE. Boundary lines for this survey were projected from record dimensions onto a grid derived from that Survey of Colorado Avenue recorded in the County Surveyor's Land Plats, in Book 1 at Page 30.

6. BASIS OF BEARINGS. Bearing from brass cap monument at the intersection of Oak Street and Colorado Avenue, L.S. 24954, to the brass cap monument at the intersection of Alder Street and Colorado Avenue, L.S. 24954, assumed as the historic bearing of S 72°06'00" E.

7. NOTICE: According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

8. According to the Title Commitment referenced in note 2 above, there is no mortgage on the property described on this plat.

9. The ORDINANCE #1395, SERIES OF 2013 RECORDED NOVEMBER 21, 2013 UNDER RECEPTION NO. 430796 required the vacated portion of the Pinon ROW to be additional land area for the purpose of development of Lot 10, Block 18, East Telluride.

LAND SURVEYOR'S CERTIFICATE:

I, David R. Bulson, being a Professional Land Surveyor in the State of Colorado, do hereby certify that this plat and survey of the PINON STREET REPLAT, was made by me and under my direct responsibility, supervision and checking and that both are accurate to the best of my belief and knowledge. I further certify that all monuments and markers were set as required by the Town of Telluride Land Use Code and Articles 50 and 51 of Title 38, C.R.S.

Dated this _____ day of _____, A.D., 20____.

(Signature) _____ (Seal)
Colorado Registration Number _____

PLANNING AND ZONING COMMISSION APPROVAL:

The Planning and Zoning Commission of Telluride, Colorado did hereby authorize and approve this plat of the above subdivision at a meeting of P&Z held on the _____ day of _____, A.D., 20____.

Chairperson

RECORDER'S CERTIFICATE:

This plat was filed for record in the office of the San Miguel County Clerk and Recorder on this _____ day of _____, 20____, at

Plat Book _____,
Page _____,
Reception No. _____,
Time _____.

San Miguel County Clerk

APPROVAL BY THE TOWN:

The within plat of the PINON STREET REPLAT is authorized and approved for filing this _____ day of _____, 20____. The dedication of land and public ways shown hereon are accepted by the Town Council of the Town of Telluride, State of Colorado, subject to the condition that the Town shall undertake the maintenance of said public ways only after construction of said public ways has been satisfactorily completed to the Town's specifications by subdivider and a Resolution of the Telluride Town Council, Colorado accepting the same, has been adopted and placed on record.

Town of Telluride

BY: _____
Mayor

ATTEST: _____
Clerk

Approved: _____
Planning Director

Town Engineer

Project Mgr:	DB	Rev.	description	date	by
Technician:	MC				
Technician:					
Checked by:	TL				
Start date:	06/08/2015				

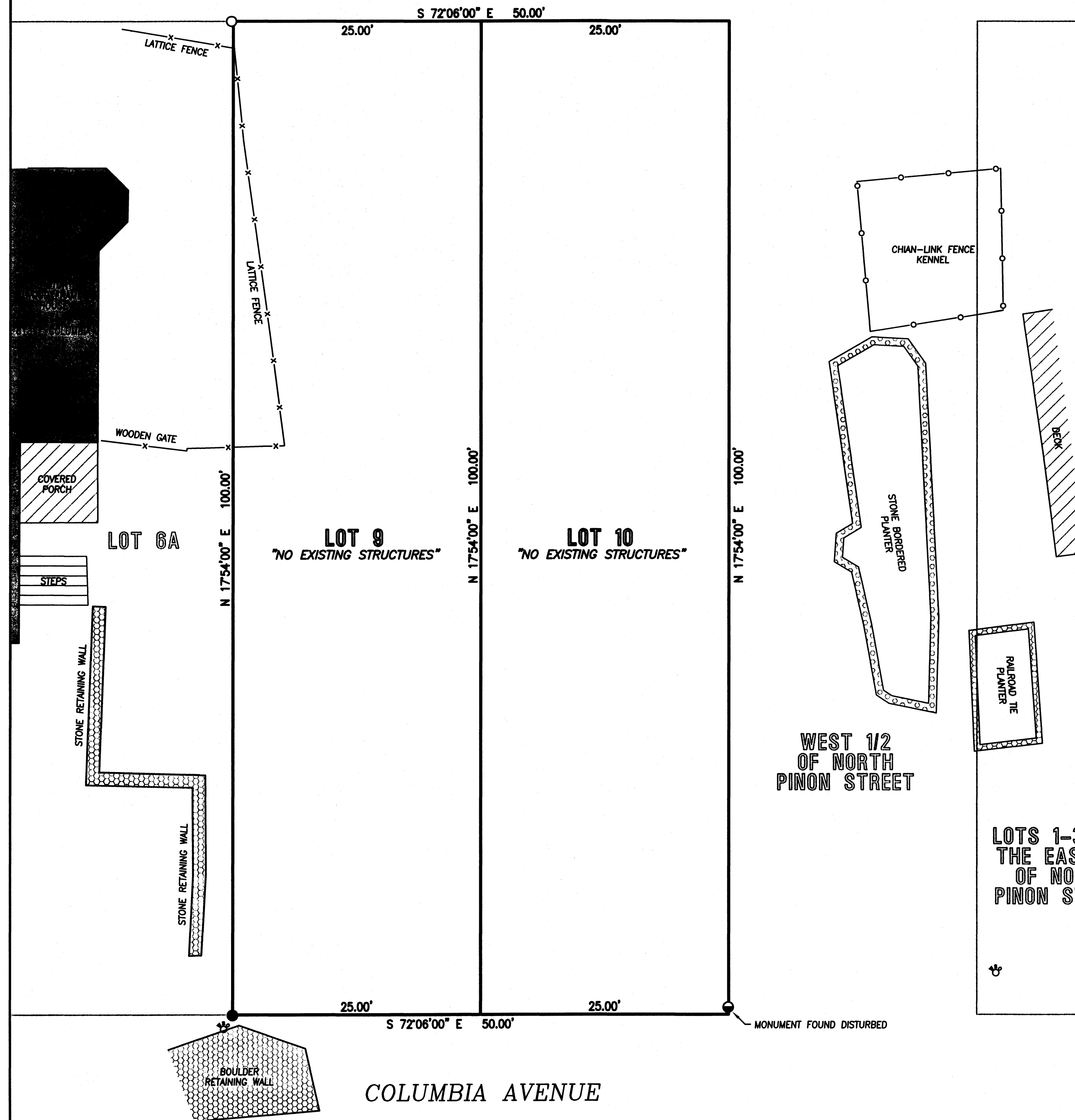


Drawing path: dwg\replat 06-15.dwg

970-728-6153 970-728-6050 fax
P.O. BOX 1385
125 W. PACIFIC, SUITE B-1
TELLURIDE, COLORADO 81435

Sheet1 of 1 Project #: 9026

PANDORA AVENUE



LEGEND

○ FIRE HYDRANT
⊕ CURB STOP

● FOUND REBAR AND 1-1/2" ALUMINUM CAP,
L.S. 6310
● FOUND REBAR AND 1-1/2" ALUMINUM CAP,
L.S. 28652
○ FOUND REBAR AND 1-1/2" ALUMINUM CAP,
L.S. 24954

SCALE: 1"=8'
0 2 4 6 8 16

IMPROVEMENT LOCATION CERTIFICATE:

I hereby certify that this Improvement Location Certificate was prepared for Land Title Guarantee Company, that it is not a land survey plat or improvement survey plat, that it is not to be relied upon for the establishment of fence, building, or other improvement lines.

I further certify that the improvements on the below described parcel on this date August 02, 2012, except utility connections, are entirely within the boundaries of the parcel, except as shown, that there are no encroachments upon the described premises by improvements on any adjoining premises, except as indicated, and that there is no apparent evidence or sign of any easement crossing or burdening any part of said parcel, except as noted.

David R. Bulson

P.L.S. 37662

LEGAL DESCRIPTION:

Lots 9 and 10, Block 18, East Telluride Addition to the Town of Telluride, according to the plat recorded June 23, 1898 in Plat Book 28 at page 13, County of San Miguel, State of Colorado.

NOTES:

1. Easement research and legal description from Land Title Guarantee Company, Order No. TLR86002639, dated July 31, 2012 at 5:00 P.M.
2. According to FEMA Flood Insurance Rate Maps dated September 30, 1992, this parcel is not within the 100-year flood plain.

NOTICE:

According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

Improvement Location Certificate

Lots 9 and 10, Block 18, East Telluride, San Miguel County, Colorado

Project Mgr: DB
Technician: MC
Technician:
Checked by:
Start date: 08/02/2012

FOLEY
ASSOCIATES, INC.
ENGINEERING PLANNING SURVEYING

Drawing path: dwg\ILC 08-12.dwg

970-728-6153 970-728-6050 fax
PO Box 1385
125 W. Pacific Ave., Suite B-1
Telluride, Colorado, 81435

Sheet1 of 1 Project #: 9026



TO: Historic and Architectural Review Commission ("HARC") Chair
Planning and Zoning Commission ("P&Z") Chair
FROM: Ann Morgenthaler, Planner II
DATE: June 15, 2015
FOR: June 26, 2015 Review and Recommendation by the HARC Chair
June 26, 2015 Review by the P&Z Chair
RE: 547 West Pacific Replat Application

PROJECT TITLE: A Review and Recommendation to the Planning and Zoning Commission Chairperson Regarding the 547 West Pacific Replat

SUMMARY: A review and recommendation regarding a minor scale subdivision to vacate interior lot lines to accommodate existing structures crossing the interior lot lines, thereby combining two conforming lots and one nonconforming lot to create one 6,223 square foot lot (Lot 14R).

LEGAL DESCRIPTION: A portion of Lots 12 and 13, Lot 14, and the East 5 Feet of Lot 15, Block 8, West Telluride Addition; Unit A, Unit B, Unit C, The 547 West Pacific Condominium.

ADDRESS: 547 West Pacific Avenue

ZONE DISTRICT: Accommodations One

TREATMENT AREA: Residential/Commercial

OWNERS: MoMas Investments, LLC; The Lady Doctor Real Estate Company, LLC; Helen Gilman Coulter

REPRESENTATIVE: Thomas G. Kennedy, The Law Offices of Thomas G. Kennedy

STAFF: Ann Morgenthaler, Planner II

Staff recommends that this application be continued without discussion to the July regular HARC Chair and P&Z Chair meetings.

HARC Proposed Motion:

I continue the minor scale subdivision (replat) at a portion of Lots 12 and 13, Lot 14, and the East 5 Feet of Lot 15, Block 8, West Telluride Addition, to create one 6,223 square foot lot (Lot 14R) to the July 24, 2015 regular HARC Chair meeting.

This motion is based on evidence and testimony provided at a public hearing held on June 26, 2015 with notice of such hearing provided as required by the Telluride Land Use Code.

P&Z Proposed Motion:

I continue the minor scale subdivision (replat) at a portion of Lots 12 and 13, Lot 14, and the East 5 Feet of Lot 15, Block 8, West Telluride Addition, to create one 6,223 square foot lot (Lot 14R) to the July 24, 2015 regular P&Z Chair meeting.

This motion is based on evidence and testimony provided at a public hearing held on June 26, 2015 with notice of such hearing provided as required by the Telluride Land Use Code.